

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 03-10383-RGS
)	
JULIO FRANCO)	
)	

ASSENTED-TO MOTION FOR LEAVE TO EXTEND
EVIDENTIARY/ DISPOSITIVE MOTION FILING DEADLINE
AND CONTINUE FINAL STATUS CONFERENCE DATE

The defendant in this matter respectfully requests an extension of time to file dispositive motions in this case beyond the December 11, 2006 deadline set by Magistrate Judge Collings in his order dated November 6, 2006 . As reason therefore, defense counsel states that there are two potential bases upon which to file dispositive motions in this case: first, a challenge to the validity of the search conducted by law enforcement agents on November 7 and 8, 2003 at the home of the defendant; and second, a challenge to the use by the government of recorded cellular telephone conversations as evidence against the defendant in this case.

On November 13, 2006, defense counsel received a computer disc from Assistant United States Attorney William Connolly that contains the entire catalogue of cellular telephone calls that were recorded during the investigation of this case. A preliminary review of the computer disc indicates that there are at least 132 recorded calls that are all of individuals speaking in Spanish.

In order to fully explore the possibility of filing a dispositive motion regarding these telephone calls, defense counsel will have to listen to each call with the aid of a Spanish interpreter. This exercise will resolve any issue of whether the government properly minimized the information it gathered through the recording of these calls and thus limited the information

collected to that which was relevant to the investigation. Defense counsel has begun this process, but requires more time to complete it in an adequate manner.

Defense counsel has discussed this request for an extension of time for filing evidentiary/dispositive motions with Assistant United States Attorney William Connolly. He has expressed that he would not object to the Court extending the motion filing deadline and continuing the final status conference date set for December 13, 2006. Defense Counsel requests that the filing deadline be extended to January 10, 2007. The parties are in agreement that the time between December 11, 2006 and January 10, 2007, and or any date that the Court sets for a further final status conference, should be excluded for speedy trial purposes.

JULIO FRANCO

By his attorney,

/s/Oscar Cruz, Jr.

Oscar Cruz, Jr.

B.B.O. #630813

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CERTIFICATE OF SERVICE

 I, Oscar Cruz, Jr., hereby certify that this document filed through the ECF system will be sent electronically to the registered participant, Assistant United States Attorney William Connolly, as identified on the Notice of Electronic Filing (NEF).

/s/Oscar Cruz, Jr.

Oscar Cruz, Jr.